

# REPORT TO COUNCIL



**Date:** November 23<sup>rd</sup>, 2012

**To:** City Manager

**From:** Land Use Management, Community Sustainability (AW)

**Application:** DVP12-0204

**Owner:** Western Sandpiper Holdings Ltd.,  
Inc. No. BC0926541

**Address:** 110-150 Hwy 33 W

**Applicant:** Valley First

**Subject:** Development Variance Permit

**Existing OCP Designation:** Mixed Use (Residential / Commercial)

**Existing Zones:** C4lp - Urban Centre Commercial / (Liquor Primary)

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0204 for Lot A Section 26 Township 26 ODYD Plan KAP79622, located at 110-150 Highway 33 West, Kelowna, B.C.;

AND FURTHER THAT variances to the following sections of Sign Bylaw No. 8325 be granted:

Section 5.8.1(d) - Projecting Sign Regulations

To permit each projecting sign to be located more than 0.6m from the projecting wall on the existing canopy.

Section 6.1 - Number of Signs permitted in the C4 zone:

To vary the permitted number of signs along the west business frontage from 2 signs permitted to 4 signs proposed as per schedule 'A'.

Section 6.1 - Permitted Area of Projecting Signs in the C4 zone:

To vary the area for projecting signs in the C4 zone from 2.5m permitted to 3.5m proposed as per schedule 'A'.

## 2.0 Purpose

To vary the location, number and size of the proposed projecting signs.

## 3.0 Land Use Management

Generally, Land Use Management does not support variances to the Sign Bylaw due to the proliferation of signage in various areas of the City. Notably, the overuse of signage (both in number of signs and size) detracts from the architectural quality and finishing of many buildings, and ultimately adds to the visual clutter of commercial areas.

This proposal seeks to allow two additional signs on the western building frontage. Although technically 4 signs are proposed (2 canopy and 2 projecting), due to the integration of both the canopy and projecting sign, it only appears as though 2 signs are being considered. Given this approach, the technical interpretation of the Sign Bylaw does not afford for the both canopy and projecting signage as a signage approach. While Staff would prefer that the proposed signage wasn't illuminated, it is a comprehensive signage plan for the new tenant. Although the number and size of signs technically exceed bylaw regulations, the total sign area is not significantly greater than what would be expected for a project of this nature. The signage scheme will not detract from the architectural quality of the building and overall will highlight the commercial building which is a positive addition to the Rutland Town Centre.

4.0 Proposal  
 4.1 Site Context



The subject property is located in the heart of the Rutland Urban Centre and has frontage on Rutland Road and Highway 33 West. Land uses in the surrounding neighbourhood are varied, in accordance with urban centre status, and include a broad selection of commercial enterprise and a large number of residential units within walking distance. Specifically, the adjacent zones and land uses are:

Direction	Zone(s)	Land Use(s)
North	C4 - Urban Centre Commercial	Businesses (large variety)
South	C4 - Urban Centre Commercial	Businesses (large variety)
East	C4 - Urban Centre Commercial	Businesses (large variety) and empty lot
West	P4 - Utilities	Rutland Waterworks facility

4.2 Project Description

The landowner has entered into a long-term agreement with Valley First credit union to provide space for retail banking, insurance, and corporate training in a new, two-storey commercial building to be constructed on the subject property. Additional tenant space will be available for lease on the 2<sup>nd</sup> floor. Situated prominently at the corner of Rutland Road and Highway 33, the building serves to anchor this landmark intersection. The streetscape presence is positive, with well-detailed facades, ample glazing, varied materials, appropriate siting, and complementary landscaping features. High quality materials are proposed throughout, including black cultured stone, glass, stucco, and aluminium window frames. The proposed variances are required to accommodate the signage scheme agreed to through the lease process.

The proposal compares to the Sign Bylaw 8235 requirements as follows:

CRITERIA	PROPOSAL	C4 SIGN REQUIREMENTS
Awning, Fascia, Canopy and Projecting Signs	4 signs proposed for west elevation <sup>1</sup> Each projecting sign is 3.5m <sup>2</sup> <sup>2</sup> Greater than 0.6m is proposed <sup>3</sup>	2 signs per business frontage in a C4 or C7 zone, a projecting sign shall not exceed 2.5 m <sup>2</sup> Projecting Sign can have no more than 0.6 m in space between the sign and the supporting wall;

<sup>1</sup> To vary the number of signs on the west frontage from 2 signs permitted to 4 signs proposed.

<sup>2</sup> To vary the area for projecting signs in the C4 zone from 2.5m permitted to 3.5m proposed.

<sup>3</sup> To permit each projecting sign to be located more than 0.6m from the projecting wall on the existing canopy.

5.0 Current Development Policies

5.1.1 Urban Design Development Permit Areas (Chapter 14) - Revitalization Design Guidelines

Signage

- Design signage that is high quality, imaginative, and innovative;
- Design signage with consideration of the size of any individual sign as part of the overall scheme of building signage and the appearance of the building’s façade. Scale and architectural expression should not be compromised by size and number of signs;
- Box signs are strongly discouraged;
- Incorporate concise messaging and simple graphics into signage. Corporate and store logos are appropriate only if they form part of an overall sign design, and are suitably scaled to the façade composition;
- Light lettering on a dark background is preferred over dark lettering on a light background and consideration should be given to those with visual impairment;
- Minimize signage lighting (i.e., incorporate indirect front-lit signs wherever possible);
- Counter-balance illuminated signs with natural materials and appropriate framing.

6.0 Technical Comments

6.1 Building & Permitting Department  
No Comment.

6.2 Development Engineering Department

This application to vary the number of signs does not compromise any municipal services.

7.0 Application Chronology

Date of Application Received: November 16<sup>th</sup>, 2012

Report prepared by:



Alec Warrender, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:

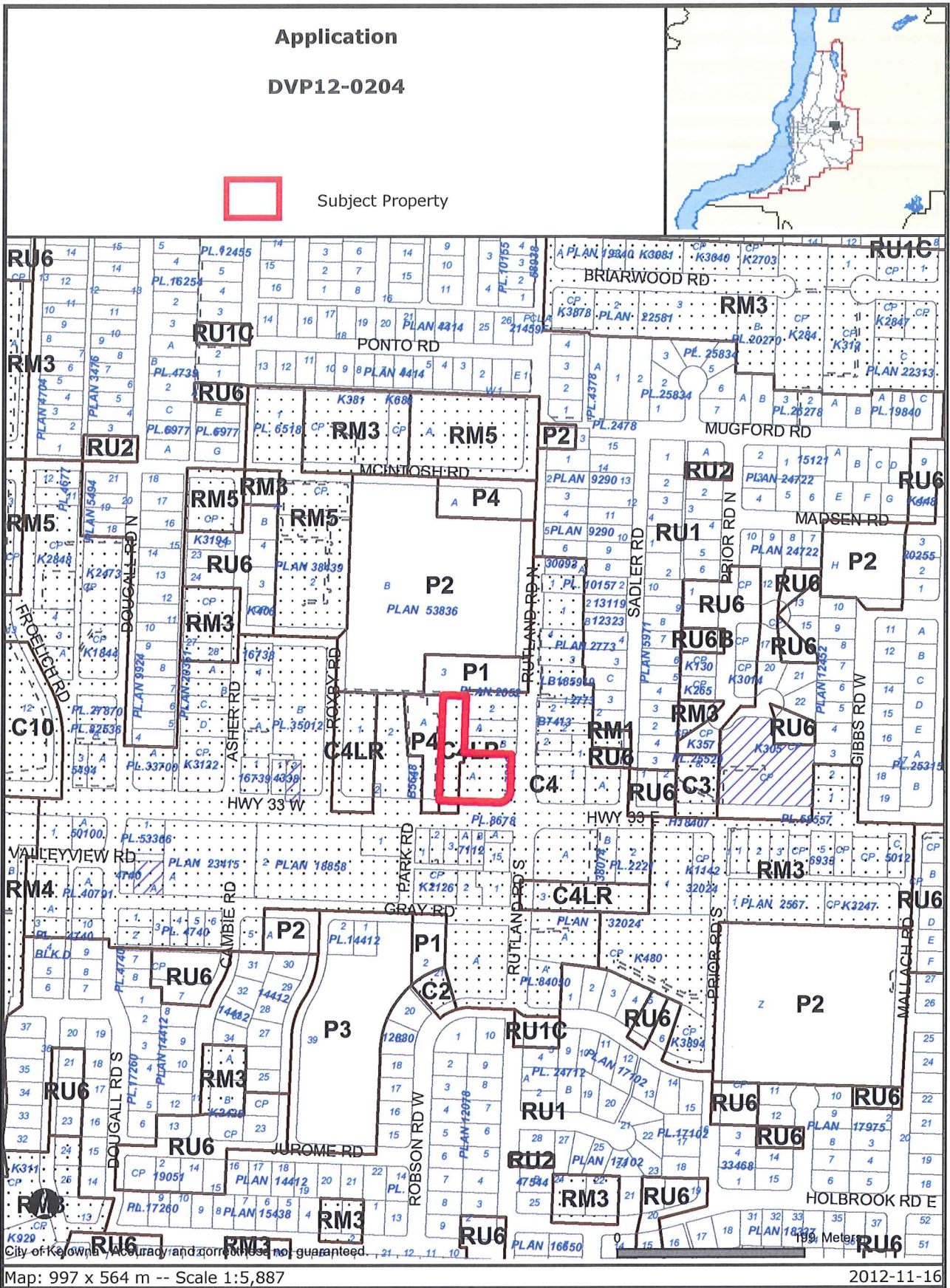


Shelley Gambacort, Director, Land Use Management

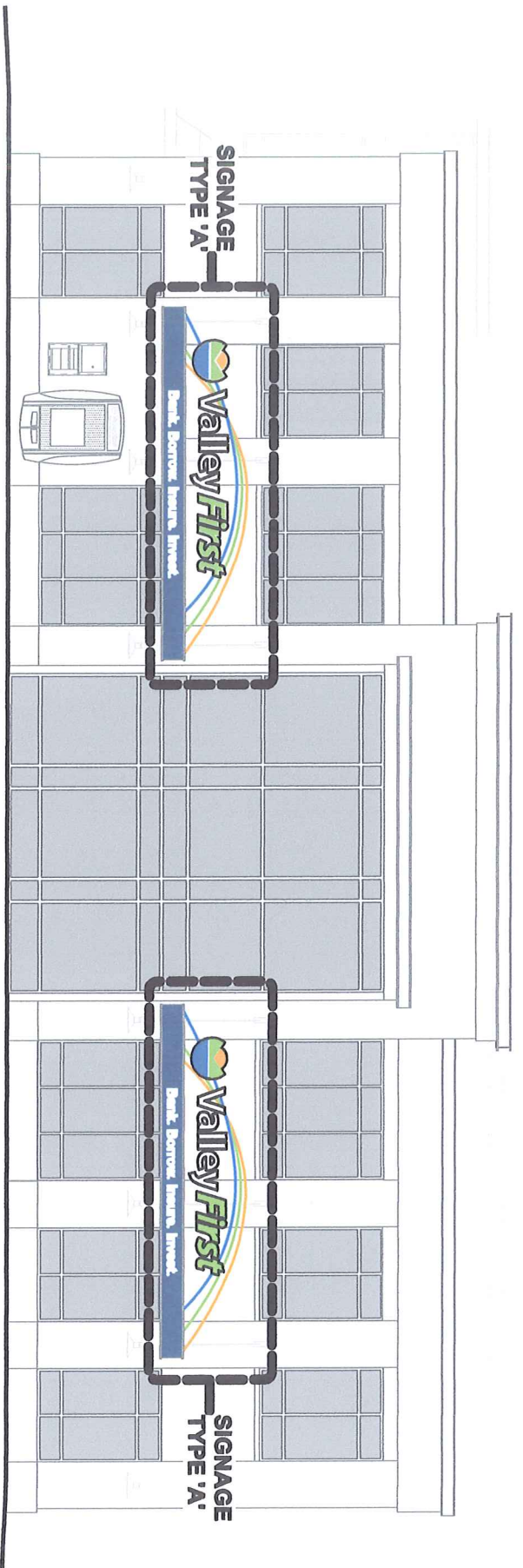
Attachments:

Site Plan

Elevations & Sign Details

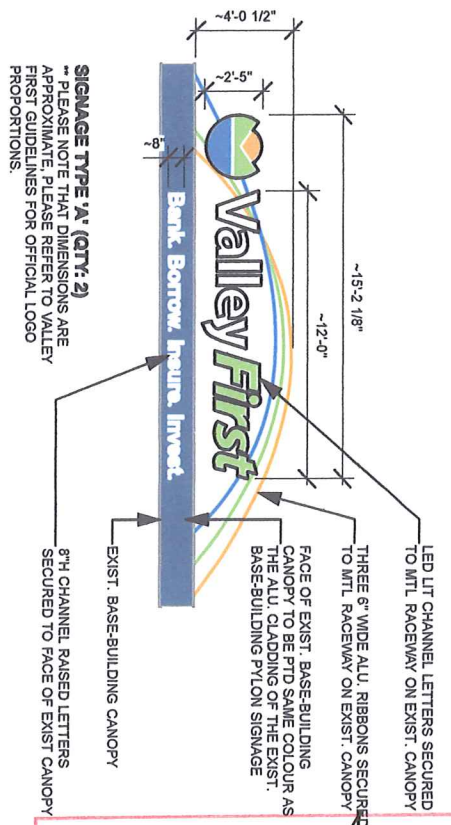


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.



1 WEST ELEVATION - MAIN ENTRANCE  
NOT TO SCALE

**NOTE:** DRAWINGS FOR INFORMATION ONLY. ANY ENGINEERING, DESIGN, SUPPLY, AND INSTALLATION FOR ALL SIGNAGE AND MOUNTING STRUCTURE REQUIRED, BY OTHERS. SHOP DRAWINGS FOR ALL SIGNAGE AND STRUCTURE REQUIRED FOR REVIEW BY ARCHITECT.



**SIGNAGE TYPE 'A' (QTY: 2)**  
PLEASE NOTE THAT DIMENSIONS ARE APPROXIMATE. PLEASE REFER TO VALLEY FIRST GUIDELINES FOR OFFICIAL LOGO PROPORTIONS.

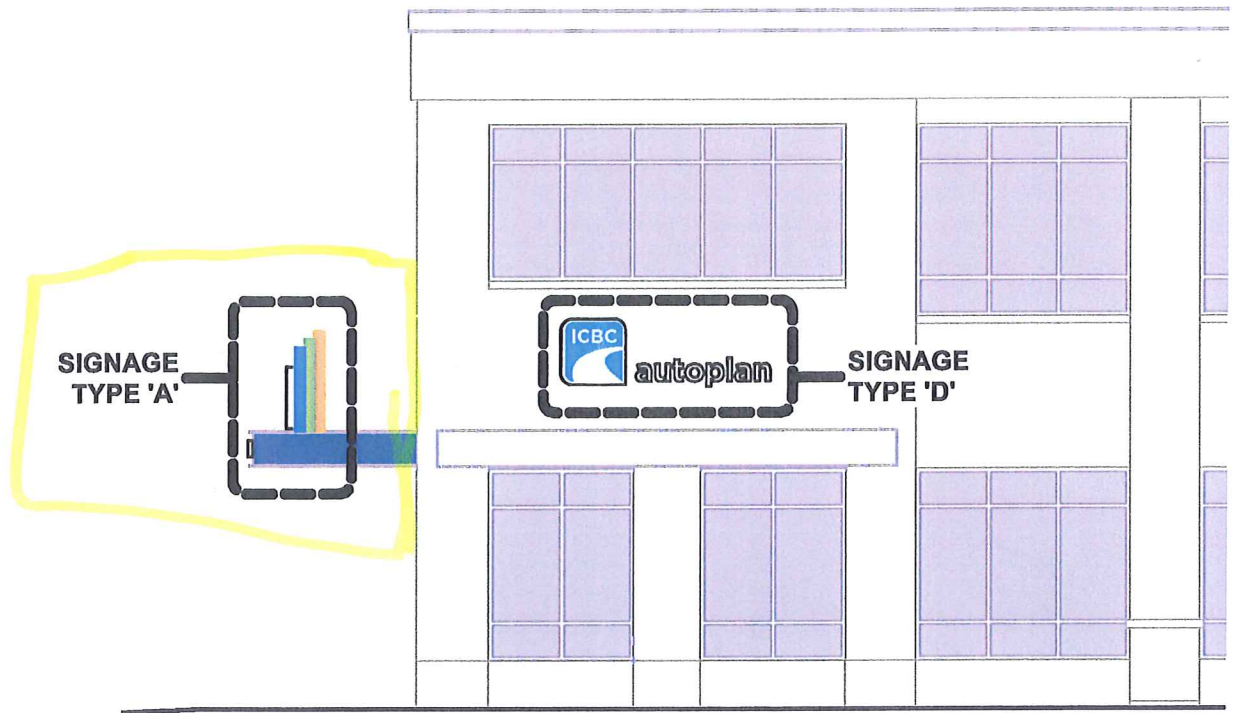
**SCHEDULE**  
This forms part of development  
Permit # DUP12-0204

<p><b>ROBERT MACKENZIE ARCHITECT INC.</b></p> <p>102 - 100 Nanaimo Ave East, Penticon, BC, V2A 1M4 P: 250 490 0558 / F: 250 490 0533 / E: robert-mackenzie@telus.net</p> <p>Copyright reserved. This drawing &amp; design of Robert Mackenzie Architect cannot be used in part or in whole without written consent of the Architect.</p>	
Drawing Title	CLARIFICATION OF TYPE A SIGNAGE
Project ID	C-1104
Project Title	VALLEY FIRST PLACE, KELOWNA
Scale	NOT TO SCALE
Drawing No.	C-07a
Date	NOVEMBER 13, 2012

1

WEST ELEVATION - MAIN ENTRANCE

Scale: 1/8" = 1'-0"



2

SOUTH ELEVATION - HIGHWAY 33

Scale: 1/8" = 1'-0"

SCHEDULE     A      
This forms part of development  
Permit #     DUP12-0204

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP12-0204

EXISTING ZONING DESIGNATION: C4lp – Urban Centre Commercial / (Liquor Primary)

DEVELOPMENT VARIANCE PERMIT:

- To vary the number of signs on the west frontage from 2 signs permitted to 4 signs proposed.
- To vary the area for projecting signs in the C4 zone from 2.5m permitted to 3.5m proposed.
- To permit each projecting sign to be located more than 0.6m from the projecting wall on the existing canopy.

ISSUED TO: Valley First

LOCATION OF SUBJECT SITE: 110-150 Hwy 33 W

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	A	26		26	ODYD	KAP79622

### SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for a Development Permit and/or Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

#### 1. TERMS AND CONDITIONS:

THAT variances to the following sections of Sign Bylaw No. 8325 be granted:

##### Section 5.8.1(d) – Projecting Sign Regulations

To permit each projecting sign to be located more than 0.6m from the projecting wall on the existing canopy.

##### Section 6.1 - Number of Signs permitted in the C4 zone:

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##### Section 6.1 – Permitted Area of Projecting Signs in the C4 zone:

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3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

4. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of N/A

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 11<sup>TH</sup> DAY OF DECEMBER, 2012.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF DECEMBER, 2012 BY THE DIRECTOR OF LAND USE MANAGEMENT.

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Shelley Gambacort  
Director of Land Use Management